

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CASE NO. 4:20-CR-00212-ALM
	§	
DEBRA LYNN MERCER-ERWIN (1)	§	
KAYLEIGH MOFFETT (2)	§	
GUILLERMO GARCIA MENDEZ (3)	§	
FEDERICO ANDRES MACHADO (4)	§	
CARLOS ROCHA VILLARRUTIA (5)	§	
ALBAN GERARDO AZOFEIFA-CHACON (6)	§	
AARON BELLO-MILLAN (7)	§	
MICHAEL ASSAD MARCOS (8)	§	

**ITRC, LLC AND LEARJET 31A BEARING SERIAL NUMBER 080 AND ASSIGNED  
AND DISPLAYING REGISTRATION/TAIL NUMBER N260RC'S REPLY IN SUPPORT  
OF MOTION TO DISMISS CRIMINAL FORFEITURE ACTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, ITRC, LLC and Learjet 31A Bearing Serial Number 080 and Assigned and Displaying Registration/Tail Number N260RC (hereinafter the "Learjet" or "Aircraft"), and file this Reply in Support of their Motion to Dismiss Criminal Forfeiture action against the Learjet, which is the subject of yet another frivolous forfeiture action by the Federal Government, and would respectfully show the Court as follows:

As set forth in the motion to dismiss [doc. 168], the Learjet is not subject to criminal forfeiture. In its Response in Opposition to the Motion to dismiss, [doc. 190], the United States contends that it "seeks to forfeit Learjet N260RC because of issues concerning representations made to the government concerning the ownership of the airplane and its export status." [doc. 190 at p. 2]. Yet again, the United States fails to provide any meaningful allegations, either factually or legally, to adequately state its claim. As set forth in the Motion to Dismiss, the FAA expressly approved the ownership of the Learjet. Moreover, the allegation contained within the Third

Superseding Indictment that “[t]he aircraft has been outside of the United States for three years without any export filings” is not true, and is directly contradicted by Beau Price’s affidavit. The Learjet is not legally required to be exported.

The United States’ statement in its Response in Opposition to the Motion to Dismiss that “ITRC refused to provide information the government requested to proceed administratively” is false. As set forth in Exhibit A to the United States’ Response in Opposition, the government did not ask for any information. Instead, and counter to the resolution outline provided by Mr. Wells, Paul Mack requested ITRC to file an EEI to export the Learjet, and to deregister the Learjet from the FAA registry. Mr. Wells refused to even address the question why exportation is necessary, likely because the correct answer to that question is that exportation is not legally required or necessary. In any event, to suggest that ITRC refused to provide information to the government is simply not true.

Criminal forfeiture of the Learjet is entirely inappropriate in this case where no criminal allegations have ever been made against the equitable owners of the Learjet. Accordingly, and for the reasons more fully set forth in the Motion to Dismiss, this Court should dismiss the criminal forfeiture action with respect to the Learjet.

WHEREFORE, PREMISES CONSIDERED, ITRC, LLC and Learjet 31A Bearing Serial Number 080 and Assigned and Displaying Registration/Tail Number N260RC pray that the Motion to Dismiss be in all things granted, that this Court in all things dismiss the instant criminal forfeiture action with respect to the Learjet, and grant any other and further relief, at law or in equity, to which they may be justly entitled.

Dated: April 12, 2021

Respectfully submitted,

**MARTIN & DROUGHT, P.C.**

Weston Centre  
112 East Pecan Street, Suite 1616  
San Antonio, TX 78205  
Telephone: (210) 227-7591  
Telecopier: (210) 227-7924

By: /s/ Mathis B. Bishop

GERALD T. DROUGHT  
State Bar No. 06134800  
gdrought@mdtlaw.com  
MATHIS B. BISHOP  
State Bar No. 24045500  
mbishop@mdtlaw.com

ATTORNEYS FOR ITRC, LLC AND LEARJET  
31A BEARING SERIAL NUMBER 080 AND  
ASSIGNED AND DISPLAYING  
REGISTRATION/TAIL NUMBER N260RC

**CERTIFICATE OF SERVICE**

I hereby certify that on April 12, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Ernest Gonzalez  
U S Attorney's Office – Plano  
101 East Park Blvd., Ste. 500  
Plano, TX 75074  
Email: ernest.gonzalez@usdoj.gov

Colleen Elizabeth Bloss  
US Attorney's Office – Plano  
101 E Park Blvd., Ste. 500  
Plano, TX 75074  
Email: colleen.bloss@usdoj.gov

Robert Austin Wells  
U S Attorney's Office – Tyler  
110 N. College, Ste. 700  
Tyler, TX 75702  
Email: robert.wells3@usdoj.gov

Rafael De La Garza, II  
The De La Garza Law Firm  
3941 Legacy Dr., Ste. 204–A192  
Plano, TX 75023–8334  
Email: rdelagarzalaw@yahoo.com

William Brett Behenna  
Coyle Law Firm  
125 Park Avenue, First Floor  
Oklahoma City, OK 73102  
Email: bb@coylelaw.com  
ATTORNEYS FOR DEFENDANT DEBRA MERCER-ERWIN

Vicki Zemp Behenna  
Behenna, Goerke, Krahll & Meyer  
210 W. Park Avenue, Ste. 3030  
Email: vzb@lawfirmokc.com  
ATTORNEY FOR DEFENDANT KAYLEIGH MOFFETT

Dan Calvin Guthrie, Jr.  
Law Offices of Dan C. Guthrie, Jr.  
3131 McKinney Avenue, Ste. 600  
Dallas, TX 75204  
Email: dan@whitecollardefense.com  
ATTORNEY FOR DEFENDANT FEDERICO ANDRES MACHADO

Carlos A Garcia  
Attorney at Law  
1305 E Griffin Pkwy.  
Mission, TX 78572  
Email: email@thegarciafirm.com  
ATTORNEY FOR DEFENDANT CARLOS ROCHA VILLAUERRUTIA

J. Craig Jett  
Burleson Pate & Gibson – Dallas  
900 Jackson Street  
Suite 330  
Dallas, TX 75202  
Email: jcj@bp-g.com  
ATTORNEY FOR DEFENDANT MICHAEL ASSAD MARCOS

/s/ Mathis B. Bishop  
GERALD T. DROUGHT  
MATHIS B. BISHOP